IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33910 of 2008
RAJESH KUMAR, son of Ram Nath Prasad, resident of village- Mahmoodpur, Rani Sarai, P.S.- Bakhtiyarpur, District Patna……. Petitioner
Versus
STATE OF BIHAR….. Opposite party

04/ 15.10.2008 Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case under Sections 393, 307 and 326 of the Indian Penal Code and Section 27 of the Arms Act. His prayer for grant of bail was earlier refused by another Bench of this Court under orders dated 2.5.2008, Annexure-1 to this application.

It is submitted on behalf of the petitioner that had the brother-in-law of the informant identified the petitioner in course of the occurrence, then his name ought to have figured in the First Information Report itself, which submission was pressed before this Court as would appear from the order dated 2.5.2008, Annexure-1 and appreciating such submission, prayer for bail was rejected at that stage.

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Petitioner has renewed his prayer for bail and further submitted that besides the present case, he is not accused in any other case, which fact be verified by the court below and if correct, petitioner, Rajesh Kumar be released on bail on furnishing bail bond of Rs. 5,000/- (Rs. Five thousand only) with two sureties of the like amount each to the satisfaction of Sri Arun Kumar Sinha, ADJ III, Barh, Patna in connection with Sessions Trial No. 352 of 2008, arising out of Bakhtiyarpur P.S. Case No. 148 of 2007.

Arjun/ **(V.N. Sinha, J.)**

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